

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANTHONY BROWN, SR., individually and as
Special Administrator for the Estate of Jenika D.
Brown,

Plaintiff,

vs.

BNSF RAILWAY COMPANY; BNSF
LOGISTICS, LLC; and THE ESTATE OF
JENA FREE,

Defendants.

8:24CV475

**ORDER ON MOTION TO TERMINATE
BNSF LOGISTICS, LLC, AS A PARTY**

This case is before the Court on the Motion to Terminate BNSF Logistics, LLC, as a Party in this Matter. [Filing 12](#). BNSF Logistics represents that on October 30, 2024, before this case was removed to this Court, plaintiff Brown moved to dismiss BNSF Logistics, LLC, in the state court action. [Filing 12 at 1](#) (¶ 3). BNSF Logistics represents further that the same day the state court entered an order dismissing BNSF Logistics, LLC, from the case without prejudice. [Filing 12 at 1](#) (¶ 4) (citing [Filing 1-1 at 385](#)). Finally, BNSF Logistics represents that plaintiff Brown has not since then moved for leave to name BNSF Logistics, LLC, again as a party. [Filing 12 at 1](#) (¶ 5). Consequently, BNSF Logistics, LLC, prays that it be terminated as a party in this matter and that the Court award such further relief as this Court deems appropriate and just. [Filing 12 at 1](#)–2.

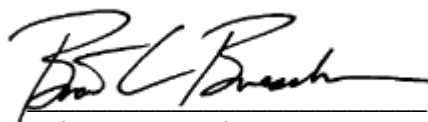
Plaintiff Brown filed an Objection to BNSF Logistics, LLC’s Motion to Terminate It as a Party as Moot. [Filing 13](#). Plaintiff Brown acknowledges that BNSF Logistics was dismissed by order of the state court on October 30, 2024, so that it is no longer a party. [Filing 13 at 1](#). No other party filed a response by the deadline for February 26, 2025, nor did BNSF Logistics file a reply by the deadline for March 5, 2025.

Notwithstanding that plaintiff Brown framed his response as an Objection, it is clear that the parties agree that BNSF Logistics was dismissed from this case prior to its removal to this Court, so that BNSF Logistics is no longer a party. Consequently, the Court concludes that BNSF Logistics is entitled to the relief of termination as a party in this matter, although the Court deems no other relief appropriate. Accordingly,

IT IS ORDERED that the Motion to Terminate BNSF Logistics, LLC, as a Party in this Matter, [Filing 12](#), is granted. The Clerk of Court shall terminate BNSF Logistics, LLC, as a party to this case and remove its counsel from the service list.

Dated this 11th day of March, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge